

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

v ECF

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/24/2021

In Re FACEBOOK, INC. IPO
SECURITIES AND DERIVATIVE
LITIGATION

MDL No. 1:12 md-2389 (CM)

X

ORDER DIRECTING FURTHER RESPONSE re: DISPUTED CLAIM

McMahon, J.:

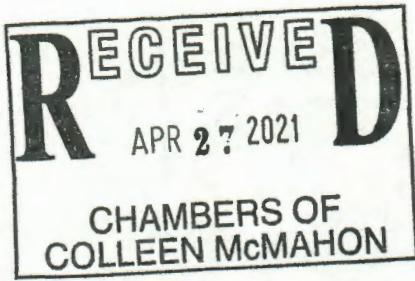
The court has received communications from three objecting shareholders in response to its order dated March 22, 2021 (Docket #616). Lead Counsel's May 21 submission addresses two of those three communications. I now see that Lead Counsel does not appear to have been copied on the third submission. Could Lead Counsel, by the end of this week, please provide the court with any information needed to adjudicate the disputed claim of Dyan C. Dow? A copy of Mr. Dow's letter to the court is attached to this order.

Dated: May 24, 2021



U.S.D.J.

BY ECF



April 26, 2021

Chief Judge Colleen McMahon
US District Court- Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: In re Facebook Inc., IPO Securities and Derivative Litigation

MDL No: 1:12-md-02389 (CM)(GWG)

Claim Number 49732059

Dear Sir/Madam,

I am writing this letter to further substantiate my claim on the Facebook IPO Settlement. I was previously notified that I was ineligible for recovery. Clearly, I owned Facebook on May 22, 2012, I purchased it on May 18, 2012. Enclosed you will see my previous letter to the Claims Administrator dated May 10, 2019, and also a copy of my confirmation from LPL indicating that I purchased my shares of Facebook on May 18, 2012. Please include my claim with this settlement.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dyan C Dow".

Dyan C Dow

May 10, 2019

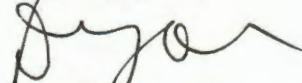
Facebook Inc IPO Securities and Derivative Litigation
c/o AB Data, LTD
Claims Administrator
PO Box 173007
Milwaukee, WI 53217

Re: Facebook IPO Settlement
Claim Number: 493732059
Response Deadline: May 20, 2019

Dear Claims Administrator,

I am writing this letter because I received a notice of rejection of claim for the Facebook IPO Settlement. Your letter indicated that I am ineligible for recovery. The letter indicated that the purchases of Facebook common stock made from May 22, 2012 through and including February 23, 2018 are not eligible to be included in the claims. I purchased Facebook two times. I purchased 100 shares on May 18, 2012 and also 100 shares on April 4, 2018. Based on my calculation May 18, 2012 is before May 22, 2012 and does not fall in the category of being ineligible for this claim. Attached you will find a trade confirmation indicating that I purchased 100 shares on May 18, 2012, the settlement date was May 23, 2012. The pricing of my security is based on the date I purchased it not the date that it settled so I should be able to participate in any available recovery. Please reconsider the notice of rejection and include me in any and all claims that I can participate in with this litigation. If you still find that I am not eligible to receive the claim based on the dates, please request the court to review the determination. Please call me directly at 360-790-3399 if there is any additional information that is needed. Thank you for your time and effort in this matter.

Very truly yours,



Dyan C. Dow



Member FINRA/SIPC

9785 Towne Centre Drive, San Diego, CA 92121-1968
One Beacon Street, 22nd Floor, Boston, MA 02108-3106
(858) 587-5352

Trade Confirmation for 05/18/2012

Account Number: 4078-9866

For the Account of:

DYAN C. DOW
1001 COOPER POINT RD SW
STE #140-186
OLYMPIA WA 98502-1107

Your Account Executive:

SHARLA CAMERON
CAMERON WEALTH MANAGEMENT INC.
222 CAPITOL WAY N, STE 102
OLYMPIA, WA 98501-8211

EQUITIES AND OPTIONS

Trade Date/ Settlement	Bought/ Sold	Transaction Type	Account Type	Symbol	Cusip	Security Description	Quantity	Price	Principal	Commission	Service Charge	Settlement Fee	Net Amount
05/18/2012	Buy	06	1	FB	30303M102	FACEBOOK INC CL A	100	40.15	4,015.00	44.90	5.00	0.00	\$4,064.90
05/23/2012													

Additional Information: UNSOLICITED, PROSPECTUS UNDER SEPARATE COVER

The information contained in this confirmation shall be binding upon you if you do not object, in writing to your financial advisor immediately after the confirmation is first received by you.

This transaction is subject to the constitution, rules, regulations, customs, usages, rulings and interpretations of the exchange or market (and its clearing house, if any) where executed, or of the Financial Industry Regulatory Authority if not executed on any exchange.

If this transaction is a purchase by you in a cash account and sufficient funds are not already in your account with us, it is agreed that you will make full payment for the securities described on the face hereof promptly and not later than settlement date in accordance with the terms of this transaction and that you do not contemplate sale of such securities prior to making such payment. If this transaction is a sale by you in a cash account and the securities described on the face hereof are not already held in your account with us, we are acting upon your representation that you or your principal own such securities, and it is agreed that you will promptly and not later than settlement date deposit such securities with us. If full payment for the securities purchased by you in this transaction is not received by us, or if securities sold by you in this transaction are not delivered to us in proper form on or after the first trading day after settlement date, we may at our option, cancel or otherwise liquidate this transaction without notice to you, and you will be liable to us for any resulting loss, including, without limitation, all expenses, attorney's fees and other costs incurred by us and interest thereon. Until full payment is made by you, these securities are or may be hypothecated and commingled with securities carried for other clients.

If this transaction is a purchase by you in a margin account, it is agreed that sufficient cash or acceptable collateral will be deposited on or before settlement date to satisfy applicable margin requirements.

If LPL Financial ("LPL") acted as agent in the transaction described on the face hereof, for you or as agent for both you and another person, the identity of the person from whom the securities were purchased or to whom they were sold, and the source and amount of any remuneration received or to be received from a person other than you, will be furnished upon written request.

The responsibility for failure to cancel an existing open order rests with you. Any transaction that results from the execution of any orders that you have not instructed us to cancel, prior to execution, will be recorded in your account.

For redemptions of mutual fund positions in brokerage accounts, a processing fee may be imposed by LPL. This processing fee will appear in the commission column even though it is not a commission.

It is understood and agreed that all transactions are subject to the rules and customs of the exchange or market where they are executed. The name of the other broker or party and the time of execution will be furnished upon written request.

If average price transaction is indicated on the front of this confirmation specific trade information, including the actual price for each trade averaged will be furnished upon written request.

Commission rates are subject to negotiation, and any commission charged to you in this transaction may be more or less than commissions charged to or by others in similar transactions. The source and amount of other commissions received in connection with this transaction will be furnished on request.

Call features for bonds may exist that could affect the yield; complete information will be provided upon written request. With respect to a zero coupon issue, you will not receive periodic payments, and the securities may be callable at a price below maturity value. Furthermore, a zero coupon issue that is callable and in bearer form may be called without notice by mail to you unless the issue is registered.

A copy of the official statement for municipal securities is available at www.emma.msrb.org. A physical copy of the official statement may be obtained by contacting your financial advisor.

If the transaction is in an asset-backed security (e.g. CMO, FNMA, FHLMC, or GMNA), the actual yield of the security may vary according to the rate at which the underlying assets or receivables are prepaid. Information concerning factors that affect yield, including estimated yield, weighted average life, and prepayment assumptions, are available upon request.

The ratings that appear in the description of some fixed-income securities have been obtained from rating services that we believe to be reliable; however, we cannot guarantee their accuracy. Securities for which a rating is not available will be marked "Not Rated."

If you are purchasing a mutual fund, you may be eligible for breakpoint discounts based on the size of your purchase, current holdings or future purchases. The sales charge you paid may differ slightly from the Prospectus disclosed rate due to rounding calculations. Please refer to the Prospectus, Statement of Additional Information or contact your financial advisor for further information.

Leveraged ETFs, ETNs and mutual funds are different from and can be riskier than traditional ETFs, ETNs and mutual funds. Compounding of the returns, in particular for leveraged products, can produce a significant divergence from the underlying index over time, especially in volatile markets; therefore, these products should be actively monitored, as frequently as daily, and may not be appropriate as an intermediate or long-term holding.

LPL Financial has included tax lot information on trade confirmations for securities sold on a lot relief method other than on a First-In/First-Out basis. For assets not purchased in the LPL Financial account, you or your previous broker/dealer upon transfer may have provided the basis of the security. If no such data was submitted, N/A will be listed. The tax lots have been provided for informational purposes only and do not replace the official 1099s you receive directly from LPL Financial or the product sponsor. While the tax lot information herein is believed to be reliable, no representation is being made as to its accuracy or completeness and LPL Financial expressly disclaims all liability arising out of your use of such information. Please consult your legal or tax advisor regarding any tax or legal questions you may have.

Mutual Fund Compensation

In addition to the commission charged for mutual fund purchases, LPL may receive other compensation from certain mutual funds or their affiliates, for providing marketing support and related services. The names of the mutual funds that make these payments, and a description of the services provided, can be found at www.lpl.com, or will be sent to you upon your written request.

Payment for Order Flow

LPL receives compensation for directing order flow in equity securities and options. The source and nature of this compensation if any, received in connection with this trade will be furnished upon your written request to LPL.

LPL Financial LLC is an affiliate of LPL Investment Holdings Inc.

Account Type

- 1 Cash Account
- 2 Margin Account
- 3 TEFRA
- 4 When Issued Activity
- 5 Other Margin Account
- 6 Short
- 7 Other Margin Account
- 8 Other Margin Account
- 9 Other Cash Account

Transaction Type (capacity in which LPL is acting)

- 01 LPL acting as principal, has sold to or bought from you and may have received a profit from the transaction.

LPL acted as agent for your account on:

- 02 New York Stock Exchange
- 03 Midwest Stock Exchange
- 04 American Stock Exchange
- 05 Other exchange
- 06 Over-the-counter
- 07 As an agent for another account
- 08 As an agent for buyer and seller
- 09 National Stock Exchange
- 10 NASDAQ Boston/
Boston Options Exchange
- 15 Chicago Board Options Exchange
- 16 NASDAQ
- 19 Canadian Agency
- 25 NYSE ARCA
- 35 NASDAQ OMX PHLX
- 40 International Securities Exchange
- 54 BATS Exchange

Prospectus Delivery

If you did not receive a prospectus on initial investment of a Mutual Fund, Unit Investment Trust, Exchange-Traded Fund or a Variable Annuity, Please call your advisor or call LPL Financial at 858.567.5352

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Nicole M. Zeiss
Partner
Direct Dial: 212-907-0867
Office Phone: 212-907-0700 main
nzeiss@labaton.com

New York Office
140 Broadway
New York, NY 10005

March 25, 2021

VIA FIRST CLASS MAIL

DYAN C. DOW
4570 AVERY LANE S.E., STE. C209
LACEY, WA 98503

**Re: *In re Facebook, Inc., IPO Securities and Derivative Litig.*,
MDL No. 1:12-md-02389 (CM)(GWG)**

Dear Claimant:

My firm is Court-appointed Co-Lead Counsel in the above-referenced securities class action. As you requested, your dispute of the claims administrator's administrative determination, which rejected your claim as ineligible to participate in the settlement of the action, was presented to the Court on March 18, 2021, as part of the Notice of Lead Plaintiffs' Motion for Approval of Distribution Plan (ECF No. 611) ("Lead Plaintiffs' Motion") filed on that date.

On March 19, 2021, I wrote to you to notify you of Lead Plaintiffs' Motion and provided a copy of Lead Plaintiffs' Motion, the Memorandum in Support of Lead Plaintiffs' Motion for Approval of Distribution Plan (ECF No. 612), the Declaration of Adam D. Walter in Support of Lead Plaintiffs' Motion for Approval of Distribution Plan (ECF No. 613) (the "Walter Declaration") (without exhibits), the Disputed Claims Chart submitted as Exhibit D to the Walter Declaration, and the proposed Order Approving Distribution Plan (ECF No. 614). Accordingly, the Court has already been provided with the enclosed information about your claim.

On March 23, 2021, the Court issued the Order Directing Notice to Disputing Claimants (ECF No. 616), which directs us to advise you that you now have until April 30, 2021, to "provide the court with a written submission explaining the reason why the claimant believes that s/he/it is entitled to participate in the settlement, together with any evidence that would support the validity of claim." Should you wish to submit such information, you can mail your submission to:

Chief Judge Colleen McMahon
U.S. District Court - Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

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March 25, 2021

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For your reference, enclosed is a copy of Lead Plaintiffs' Motion, the Notice of (I) Proposed Settlement and Plan of Allocation; (II) Settlement Fairness Hearing; and (III) Motion for an Award of Attorneys' Fees and Litigation Expenses that contains the Plan of Allocation used to calculate your claim (see pp. 10 to 12), and Exhibit D to the Walter Declaration, which explains the reason(s) your claim was rejected. (See ECF No. 613-4, Exhibit D.)

If you provide a submission to the Court, please also email or mail me a copy of your submission at the address above. We will reply to your response on or about May 21, 2021. If the Court decides to hold a hearing, you will be notified of the date and time. We will also notify you of the Court's ruling.

Sincerely,



Nicole M. Zeiss

Encls. (3)